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January 21, 2011

Hon. Sandra L. Townes
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: Government Employees Insurance Company, et al. v. Michael D.
Green, M.D., et al.
Docket No. 10-CV-2671 (SLT)(CLP)

Dear Judge Townes:

Our office represents Rapuzzi, Polumbo & Rosenberger, P.C. and Patricia Rapuzzi in the above-captioned matter. On July 1, 2010 our office made an application to the Court to make a Rule 12(b)(6) motion to dismiss on the above matter before Your Honor. To date our request has not been responded to.

The providers in this case, Vista Medical Diagnostic Imaging, PC and Total Global Medical PC and their respective shareholders, Michael D. Green, MD and Clifford Beryant, MD, have already settled.

My clients are attorneys. This lawsuit has had and continues to have an adverse effect on their practice as their clients are concerned as to how this pending lawsuit will impact upon their cases.

We respectfully request that if our office is not permitted to make a motion to dismiss at this time, we would like to have such request withdrawn and serve our answer and counterclaims and commence discovery in this action.

We respectfully request a response to this request at your earliest convenience.

Respectfully submitted,



Edward K. Blodnick

EKB:jt
cc: Barry Levy, Esq.
Neil L. Fuhrer, Esq.